

REMARKS

Claims 1-35 are pending in the application.

Applicants acknowledge and appreciate that the Examiner has withdrawn claim objection and claim rejections based 35 U.S.C. 112 in light of the previously filed amendments and arguments.

In the present Final Office Action, the Examiner rejected claims 1-2, 9, 23-24, 31-32 and 34 under 35 U.S.C. 103(a) as being unpatentable over *McKaughan* (US 5,802,305) in view of *Wey* (US 6,098,100).

In the Final Office Action dated April 3, 2006, the Examiner again argued that *Wey* discloses detecting the size of the received data set of signal and cited Figure 2, Reference S15 of *Wey* to support this assertion. However, this citation merely refers to comparing the data byte in a frame buffer 10 in *Wey* with a data bite in a pattern register 17. *Wey* is directed to determining whether a match was detected such that the control logic would then increment the pattern counter 16. This is designed to increment a pattern counter and not detected to determine the size of the data. If sufficient count is detected by the pattern counter 16, the wake up sequence is performed. The Examiner misinterprets this event as detecting the size of the data. The pattern counter 16 of *Wey* may be incremented based on matching of the frame buffer data to a particular data in a pattern register, not necessarily to the size of the data. *Wey* merely refers to number of matches between frame buffer data and pattern register data, and not to the size of the data. Therefore, *Wey* does not disclose detecting the size of the received data signal in contradiction to the Examiner's assertion. Therefore, the element upon which the Examiner claims is made obvious by the disclosure of *Wey* is indeed, not made obvious, and therefore, the combination of

Wey and *McKaughan* does not teach, disclose or suggest all of the elements of claims of the present invention, as described in further details below.

McKaughan in combination with *Wey* does not teach, disclose or make obvious all of the elements of claim 1 of the present invention. *McKaughan*, which is the primary reference does not disclose or make obvious several elements of claim 1 of the present invention, and *Wey* does not make up for the deficit of *McKaughan*. *McKaughan* refers to a computer network that contains a plurality of interconnected computers, wherein a network interface card of sleeping computers detects an incoming packet and compares the incoming packet to a list of packets stored on the network interface cards. *McKaughan* then compares the received packet to a list of packets on the card and provides a wake-up sequence of a remote computer (column 6, lines 43-64). However, *McKaughan* does not disclose detecting the size of the received set of data signals as called for by claim 1 of the present invention. *McKaughan* merely discloses detecting an incoming packet over a network and filtering the incoming packet with a comparison mask. This does not make obvious the element of detecting the size of the received set of signals or other elements of claim 1. *McKaughan* does not disclose detecting the size of the received set of signals. Therefore, Applicant respectfully asserts that among other elements, *McKaughan* simply does not disclose or make obvious the element of detecting the size of the received set of signals when determining whether to wake up the computer.

The Examiner cited Figure 4 and related text to support an assertion that *McKaughan* discloses or makes obvious the elements called for by claim 1. Applicant respectfully asserts that neither the cited portion of *McKaughan*, nor any other part of *McKaughan*, discloses detecting the size of the received set of data signals in the context of determining whether the received data signal should be received by the host circuit and waking up the whole circuitry as called for by

claim 1 of the present invention. Figure 4 merely filters the incoming packet and compares the resulting filtered incoming packet to the corresponding packet in a list stored on a network interface card and then makes the decision whether to wake up the computer or not. See Figure 4 and col. 8, lines 45-47, col. 9, lines 3-13. *McKaughan* does not disclose detecting the size of the received set of signals when determining whether to wake up the computer, which is an element called for by claim 1. Further, *Wey* does not make up for the deficits of *McKaughan*.

The Examiner admits that *McKaughan* does not disclose detecting a size of the received set of data signals to use as a factor for decoding the data. Applicant respectfully asserts that the Examiner is correct in the statement but, further, *McKaughan* does not disclose or make obvious other elements of claim 1 of the present invention. Regarding detecting the size of the data received, *Wey* does not make up for this deficit. The Examiner cites *Wey* to make obvious this element, however, *Wey* does not disclose detecting a size of the received set of data to use as a factor for decoding, as called for by claim 1 of the present invention. The Examiner cites Figure 2, block S18, which refers to the determination whether the pattern counter has reached a pattern length. Upon analysis of the disclosure of *Wey*, it is abundantly clear that *Wey* is not referring to detecting the size of the data. In fact, *Wey* discloses that the step S18 relates to determining whether the value of the pattern counter has reached the required pattern length, which relates to the end of the pattern register 17. See column 2, line 35-37 of *Wey*. This is a reference to the pattern counter which maintains a count each time data in the frame buffer data is matched with the data in the pattern register. See step S15 of Figure 2. *Wey* discloses that a comparator 14 compares the data byte in the frame buffer 10 with a data byte in the pattern register 17. See column 2, lines 22-25. *Wey* discloses that, if a match was detected, the control logic increments the value in the pattern counter 16. See column 2, lines 31-35. Upon a determination that the

sufficient count is detected by the pattern counter 16, the wake up sequence is performed. However, there is no disclosure in *Wey* or in *McKaughan* to suggest determining the size of the data to use as a factor for decoding the data.

This disclosure of *Wey* is abundantly clear that it does not actually examine the size of the data for decoding. *Wey* merely determines whether a particular data in the frame buffer matches a byte of data in the pattern register and then increments a counter. When *Wey* discloses that the determinations made whether the pattern counter has reached a pattern length, it is referring to whether a particular number of patterns matches have been detected and whether the all of the pattern register data has been matched. However, this inquiry may be independent as to the size of the data that comes in since several bytes of incoming data may or may not match. Hence, the pattern matching process of *Wey* is independent of the size of the incoming data. Accordingly, *Wey* simply does not disclose or make obvious the element of detecting the size of the data to use as a factor for decoding the data, as called for by claim 1 of the present invention.

As described above, *McKaughan* does not disclose detecting the size of the data at all, much less detecting the size of the data to use as a factor for decoding the data, as called for by claim 1 of the present invention. Additionally, Applicant's argument is bolstered by the fact that the decoding of the data in *McKaughan* or *Wey* is certainly not related to the of data size. In fact, the decoding of the data in *Wey* refers to matching the frame buffer data with data in the pattern register. See column 2, lines 31-35. Only then does *Wey* determine whether the prerequisite number of pattern count has been reached in the pattern counter. Therefore, there is absolutely no reference or suggestion as the size of the data being used as a factor for decoding the data, as called for by claim 1 of the present invention. Hence, *Wey* does not disclose or make obvious detecting the size of the data. Further, *Wey* simply does not disclose using the size of

the data as a factor for decoding the data, as called for by claim 1 of the present invention. Therefore, neither *McKaughan* nor *Wey* provide disclosure to make obvious the element of detecting the size of the received data's set of signals. Therefore, adding the disclosure of *Wey* to *McKaughan* does not make obvious all of the elements of claim 1 of the present invention. Accordingly, all of the elements of independent claim 1, 23, 32, and 34 are allowable for at least the reasons cited herein.

Additionally, method claim 32, which also calls for detecting the size of the received data signal for use as a factor for decoding, is allowable since all of its elements are not anticipated or made obvious by *McKaughan*. Therefore, claim 32 is allowable for at least the reasons cited herein. Additionally, claims 23 and 34, which call for various apparatuses for detecting the size of the received data signal for use as a factor for decoding, are also allowable over *McKaughan*, *Wey*, or their combination, for at least the reasons cited herein. Therefore, claims 23 and 34 are also allowable for at least the reasons cited above.

Independent claims 1, 23, 32 and 34 are allowable for at least the reasons cited herein. Additionally, dependent claims 2-9, 24-31, and 35, which respectively depend from independent claims 1, 23, and 34 are also allowable for at least the reasons cited herein.

Further, in the Final Office Action dated April 3, 2006, the Examiner argued that those skilled in the art would allegedly combine the teachings of *Warren* to *McKaughan* to make obvious various claims of the present invention. The Examiner argued that the judgment of obviousness is necessarily a reconstruction based upon hindsight reasoning but allegedly only takes into account the knowledge that was within the level of others skilled at the time the claim invention was made. However, Applicant asserts that it is impermissible hindsight because the

Examiner's reasoning is not based upon knowledge that was available to those skilled in the art without having read the present disclosure. *Warren* is directed towards data communication link whereas *McKaughan* is directed towards a wake up sequence. There is no disclosure in *McKaughan* and *Warren* that would prompt those skilled in the art to combine them to make obvious all of the elements of claims of the present invention. The Examiner does not provide sufficient evidence to support or point to any disclosure in either *Warren* or *McKaughan* that would direct one skilled in the art to combine them to make obvious all of the elements of claims of the present invention. Therefore, Applicants maintain that those skilled in the art, without using impermissible hindsight reasoning, would not combine *Warren* and *McKaughan* to make obvious any of the claims of the present invention. Accordingly, claims 1-35 are allowable for at least the reasons cited herein.

The Examiner rejected claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33 and 35 under 35 U.S.C. 103(a) as being unpatentable over *McKaughan* in view of *Wey* and further in view of *Warren* (US 4,516,201).

Contrary to Examiner assertions in the Final Office Action dated April 4, 2006, the combination of *McKaughan* and *Wey* do not teach, disclose or suggest all of the elements of the independent claims of the present invention. The deficit of *McKaughan* and *Wey* are not made up for by *Warren*. Applicant respectfully asserts that even with the use of *Warren*, the combination of *McKaughan*, *Warren* and *Wey* would still not disclose all of the elements of claims of the present invention.

The deficit of *McKaughan* and *Wey*, is not made up for by *Warren*. For example, *Warren* discloses a host 12 that passes data transmitted by a data link 14, which is examined by a

controller 10. *See* col. 6, lines 25-36. However, the system disclosed by **Warren** does not check for the size of the data signals; it merely converts the received signal from parallel to a serial format. *See* col. 6, lines 25-36. **Warren** merely discloses a link 14 that presents the serial string as parallel words to the host 12. *See* col. 6, lines 37-48. **Warren** discloses status information regarding the data link 14 being provided to the host 12 to take action, however **Warren** does not disclose any status information regarding the size of the received data signal as called for by the claims of the present invention.

The only reference to memory size in **Warren** relates to the limitation of the host system. **Warren** discloses that the host system may be joined via the controller where memory size, data handling capacity, or speed limitations would otherwise preclude their joining to a data link 14. *See* col. 7, lines 7-17. However, this does not relate to receiving data signals and detecting the size of the received signals and performing the coding and various other steps for waking up a host circuitry as called for by the claims of the present invention.

Warren does not disclose a wake-up sequence called for by the claims of the present invention. **Warren** is generally directed towards the data communication link such as a modem providing a queue for data in a controller. This is vastly different from the disclosure of **McKaughan**, which is directed towards a wake-up sequence. Therefore, without impermissible hindsight, one of ordinary skill in the art would not combine the disclosure of **McKaughan** and **Warren** to make obvious any of the claims of the present invention. Therefore, it would be improper hindsight to combine the teachings of **Warren** with **McKaughan** to make obvious any claim of the present invention. However, even if **McKaughan**, **Wey**, and **Warren** were combined, as described above, the deficits of **McKaughan** are not made up for by **Warren** or **Key**; including the fact that neither **McKaughan**, **Wey**, **Warren**, nor their combination disclose or

make obvious detecting the size of the received set of data signals in the context of decoding the receiving signals, and waking up the host circuitry from a sleep mode, as called for by the claims of the present invention.

For at least the reasons cite above, combining *Warren*, with the disclosure of *Wey* and/or *McKaughan*, would still not result in disclosing or making obvious all of the elements of any of the claims of the present invention. Therefore, claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, are not taught, disclosed, or made obvious by *McKaughan*, *Wey*, *Warren*, or their combinations. Accordingly, claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35 are allowable for at least the reasons cited above.

Applicants acknowledge and appreciate that the Examiner has indicated that claims 7, 19 and 29 contain allowable subject matter. In light of the arguments provided herein, Applicants respectfully assert that all claims of the present invention are also allowable.

Applicant respectfully asserts that in light of the amendments and arguments provided by Applicant throughout the prosecution of the present application, all claims of the present application are now allowable and, therefore, request that a Notice of Allowance be issued.

Reconsideration of the present application is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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